

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, December 11, 2012

5:45 p.m.

County Board Room – 3rd Floor – Courthouse

M I N U T E S

The Clay County Board of Commissioners met in regular session with all Commissioners present: Campbell, Evert, Ingersoll, Waller and Weyland. County Administrator Brian C. Berg and Senior Administrative Assistant Vicki Reek were also present.

APPROVAL OF AGENDA

On motion by Campbell, seconded by Waller, and unanimously carried, the agenda was approved with the following additions:

- Request to repurchase fax forfeit property, Stacey M. Nelson
- Authorization to execute Amendment #1 to the Cultural Resources Programmatic Agreement for the Fargo-Moorhead Metro Flood Risk Management Project

APPROVAL OF TROJAN TAKEDOWN CLUB'S APPLICATION TO
CONDUCT BINGO AT FUND RAISING EVENT

By consent agenda, the Board approved the Trojan Takedown Club's application to conduct Bingo at fund raising events in 2013 at the Galaxie Sports Bar & Supper Club.

APPROVAL TO EXECUTE 2013 WAIVER CONTRACTS

By consent agenda, the Board approved 2013 waiver contracts for Home Instead Senior Care, Dauner Adult Foster Care, and Kringler Adult Foster Care.

AGREEMENT FOR THE JOINT EXERCISE OF PEACE OFFICER DUTIES
AND SWAT ADDENDUM

By consent agenda, the Board approved an agreement for the Joint Exercise of Peace Officer duties and SWAT Addendum, to better reflect all of the law enforcement agencies in Cass and Clay Counties.

APPROVAL TO ACCEPT DONATION TO CLAY COUNTY SHERIFF'S POSSE FUND

By consent agenda, the Board accepted a donation to the Clay County Sheriff's Posse Fund from Cindy Kunde, in the amount of \$10.

APPROVAL OF COUNTY ABATEMENT APPLICATIONS

By consent agenda, the Board approved abatement applications for taxes payable 2012 on behalf of Thomas, Andrew & Edwin Askegaard, parcel 51.900.0101, estimated tax reduction of \$4 (should have received 2/3 homestead); Thomas, Andrew & Edwin Askegaard, parcel 15.016.3000, estimated tax reduction of \$984.00 (should have received 2/3 homestead); Andrew Askegaard, 51.900.0090, estimated tax reduction of \$120 (should have received homestead as it is contiguous to other ag parcels).

APPROVAL OF FAMILY SERVICE CENTER LEASE RENEWALS

By consent agenda, the Board approved the following lease renewals in the Family Service Center:

Lakes & Prairies Community Action Partnership

Suite #402, 5273 sq.ft. @ \$11.75 sq.ft.

Suite #405, 1308 sq.ft. @ \$11.75 sq.ft.

West Storage (1st Floor), 97 sq.ft. @ \$11.75 sq.ft.

Suite #103B, 860 sq.ft. @ \$12.75 sq.ft.

The Village Family Service Center

Suite #108D, 99 sq.ft., \$12.75 sq.ft.

Lutheran Social Services of Minnesota

Suite #400, 400 sq.ft., \$11.75 sq.ft.

Suite #401, 4096 sq.ft., \$11.75 sq.ft.

APPROVAL OF 2013 CONTRACTS BETWEEN WEST CENTRAL REGIONAL JUVENILE
CENTER AND LAKELAND MENTAL HEALTH

By consent agenda, the Board approved 2013 service contracts between West Central Regional Juvenile Center and Lakeland Mental Health, reflecting a 0% increase.

AUTHORIZATION TO EXECUTE AGREEMENT FOR CHEMICAL DEPENDENCY ASSESSOR,
HUMAN SERVICES ASSOCIATES, INTERAGENCY AGREEMENT/SOUTHWEST
IMMUNIZATION INFORMATION CONNECTION

By consent agenda, the Board authorized execution of renewal agreements for 2013 for chemical dependency assessments (Human Services Associates) for the Detox facility, and the Southwest Minnesota Immunization Information Connection (SWMIIC) agreement which provides for regional registry of immunizations for 29 counties in the region and allows the counties to share data collected.

APPROVAL OF CITY OF MOORHEAD ABATEMENT APPLICATION

By consent agenda, the Board approved an abatement application from John Gerdes and Mary Broberg, taxes payable 2012, 58.425.0070, estimated tax reduction of \$476 (land entered twice).

CITIZENS TO BE HEARD

There were no citizens present who wished to address the Board.

REQUEST TO REPURCHASE TAX FORFEIT PROPERTY

The Board heard a request from Mr. Stacey M. Nelson to repurchase his tax forfeit property in Section 26, Highland Grove Township. Mr. Nelson paid all taxes in full on December 7, 2012. County Auditor-Treasurer Lori Johnson stated it is in the best interest of the County to allow the repurchase. She added that there is an additional \$82.43 in fees which Mr. Nelson agreed to pay by the end of the week.

On motion by Ingersoll, seconded by Campbell, and unanimously carried, the Board adopted the following resolution, approving the repurchase outlined above:

RESOLUTION 2012-49

WHEREAS, a request was submitted to the Clay County Board of Commissioners by Mr. Stacey Nelson, hereinafter referred to as the "Repurchaser" to repurchase the following described real property:

All that part of the Northwest Quarter (NW ¼) of Section Twenty-six (26), Township One Hundred Forty (140), Range Forty-four (44), described as follows: Commencing at the southwest corner of said Northwest Quarter (NW ¼); thence running North along the west line of said Northwest Quarter (NW ¼) a distance of 490 feet; thence East along a line parallel with the South line of said Northwest Quarter (NW ¼) a distance of 1,020 feet; thence South on a line parallel with the West line of said Northwest Quarter (NW ¼) a distance of 490 feet, more or less, to a point of intersection with the south line of said Northwest Quarter (NW ¼); thence West along the South line of the Northwest Quarter (NW ¼) a distance of 1,020 feet, more or less, to the point of beginning at the Southwest corner of said Northwest Quarter (NW ¼), all in Section Twenty-Six (26), Township One Hundred Forty (140), Range Forty-Four (44), Clay County, Minnesota.

WHEREAS, the Repurchaser is obligated by statute, rule, or other agreement to pay real estate taxes relevant to the above-referenced property.

WHEREAS, the Repurchaser satisfies the statutory criteria for being an eligible repurchaser;

WHEREAS, the Board finds that the repurchase would cure an undue hardship or injustice resulting from the forfeiture and will permit the use of the lands that will best serve the public interests; and

WHEREAS, if it is appropriate to place certain conditions on the repurchase, those conditions are fully outlined below.

NOW, THEREFORE, BE IT RESOLVED, that the Repurchaser be allowed to repurchase the Property for an amount equal to the statutory formula for repurchase to be calculated by the Clay County Auditor's Office.

Later in the meeting, a neighboring property owner spoke against the Board's action, indicating that he did not believe it was in the County's best interest to allow Mr. Nelson to repurchase the property due to the troublesome issues that have taken place at the property. County Auditor-Treasurer Lori Johnson stated that Mr. Nelson is an eligible repurchaser of the property and has paid all taxes on the property. She added that the County Board must find that the repurchase would be in the best interest of the County or would cure an undue hardship resulting from the forfeiture for the property owner. Chair Weyland indicated that the County Board is limited in the items that can be considered in the repurchase process.

**AUTHORIZATION TO EXECUTE AMENDMENT #1 TO THE CULTURAL RESOURCES
PROGRAMMATIC AGREEMENT FOR THE FARGO-MOORHEAD METRO FLOOD RISK
MANAGEMENT PROJECT**

County Administrator Brian Berg presented an amendment to the Cultural Resources Programmatic Agreement for the Board's approval, requested by the U.S. Army Corps of Engineers, which would add both project-related environmental mitigation areas and project-related in-town (Fargo and Moorhead) levees to the Fargo-Moorhead Metro Flood Management Project's area of potential effects. The viewshed distance within the Project's area of potential effects for all above-ground project features, such as the tieback levees, has been increased from one-eighth mile to one-half mile, which covers potential visual impacts to National Register of Historic Places eligible or listed historic properties of Project features whose height above the existing ground surface needs to be over 20 feet

for engineering and/or geotechnical reasons. The original Programmatic Agreement may only be amended with the written concurrence of all parties who signed the Programmatic Agreement.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board authorized execution of Amendment #1 to the Cultural Resources Programmatic Agreement for the Fargo-Moorhead Metro Flood Risk Management Project.

APPROVAL OF BILLS AND VOUCHERS

On motion by Evert, seconded by Campbell, and unanimously carried, the bills and vouchers were approved for payment.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Ingersoll attended the Lakes and Prairies Community Action Partnership meeting.

Commissioner Waller attended the Lakes & Prairies Community Action Partnership meeting.

Commissioner Campbell attended the AMC Annual Conference.

Commissioner Evert attended the Local Foods Initiative for Cass and Clay Counties, and informed the Board of the upcoming Citizens Forum for the Minnesota Environmental Congress to be held at Comstock Memorial Union on December 14, 3:00-5:00 pm.

Commissioner Weyland attended the Personnel Issues Committee meeting and the Veterans Service Office Volunteer recognition event.

County Administrator Brian Berg attended meetings of the Personnel Issues Committee, Management Committee, and noted that plans for bonding for Highway Department projects will be presented at the December 18th County Board meeting.

PUBLIC INFORMATION AND CITIZEN INPUT REGARDING 2013 BUDGET AND TAX LEVY

The proposed Clay County 2013 Tax Levy is \$24,294,546, which supports expenditures of \$61,379,075, as indicated in Attachment "A". County Board Chair Grant Weyland informed the group that the property valuations for 2013 have been mailed. The tax notices for 2013 will be mailed at the end of March. The proposed budget for 2013 shows a levy increase of 3.83% over 2012. New construction growth last year equaled \$47,210,700 or 1%. The net levy increase equals 2.83%. The Market Value of property increased \$250,000,000, or 5.7%. County Program Aid was reduced by \$622,691 due to formula changes (accounts for 2.56% of the levy increase).

Other factors contributing to the increase in levy were health insurance increases and a cost of living adjustment for employees.

Mr. Maurice Nordenstrom, a Parke Township resident, commented that he feels his residence is assessed too high. County Assessor Nancy Gunderson agreed to meet with him to discuss the matter.

Mr. Donald Hoppe expressed concern regarding the fact that the tax on one quarter of his land is double that of the adjacent quarter. Ms. Johnson explained that the issue is likely due to Mr. Hoppe's properties having reached the \$1.2 million threshold (tier), whereby the tax rate for properties over that amount is doubled.

Mr. Mike Astrup indicated that the taxes on his farm land went up 35-36%, and felt farmland is getting taxed a bigger share than residential properties. Ms. Johnson stated it is

likely a combination of reaching the \$1.2 million threshold (tier) and the increased valuation of ag property. Mr. Astrup felt it would be helpful to have a chart which defines the asset base of the County. Commissioner Evert added that the State has discontinued the Market Value Credit. Mr. Berg noted that Clay County ranks 76th out of 87 counties in tax per capita.

Ms. Elaine Meyers inquired as to the number of classifications there are for properties, noting that Ag land appears to be the highest taxed. Mr. Berg stated that older residential properties which are depreciating would likely be taxed the least. Ms. Gunderson added that woods/trees/brush/meadowland property is also taxed less. She noted that Ag land is a hot commodity at the present time.

Ms. Meyers inquired if the County is concerned about the type of buyer who is acquiring property and driving up prices (farmers vs. investors). Commissioner Weyland stated that the County cannot police who buys property.

Ms. Meyers expressed concern with the homestead/non-homestead distinction and that a cousin is not considered eligible for the relative homestead classification. Ms. Gunderson stated that the legislature has established the qualifying relationships for homestead classification.

ADJOURN

The meeting adjourned at 6:50 p.m.

Grant Weyland, Chair
Clay County Board of Commissioners

Brian C. Berg, County Administrator